

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN A. MAGANA,

Plaintiff,

v.

CSP SOLANO CDCR, et al.,

Defendants.

No. 2:23-cv-2007 DJC AC P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a former state prisoner proceeding pro se with this civil rights action filed pursuant to 42 U.S.C. § 1983. By order filed February 19, 2025, this case was referred to the court's Post-Screening ADR (Alternative Dispute Resolution) Project and stayed for a period of 120 days. ECF No. 16. That order provided defendant the opportunity to request opting out of the ADR Project based on a good faith belief that a settlement conference would be a waste of resources. Id. at 2. Defendant now requests to opt out of the Post-Screening ADR Project and that the stay be lifted. ECF No. 17. Having reviewed the request, the court finds good cause to grant it.

Although the stay is being lifted, defendant will not be required to respond to the complaint at this time because the file reflects that a recent court order was served on plaintiff's address of record and returned by the postal service. It appears that plaintiff has failed to comply with Local Rule 183(b), which requires that a party appearing in propria persona inform the court

1 of any address change. More than thirty days have passed since the court order was returned by
2 the postal service and plaintiff has failed to notify the court of a current address.

3 Good cause appearing, IT IS HEREBY ORDERED that:

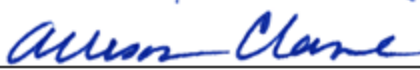
4 1. Defendant's request to opt out of the Post-Screening ADR Project (ECF No. 17) is
5 GRANTED.

6 2. The ADR stay of this action, commencing February 19, 2025 (ECF No. 16), is
7 LIFTED.

8 IT IS FUTHER RECOMMENDED that this action be dismissed without prejudice for
9 failure to prosecute. See L.R. 183(b).

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
12 after being served with these findings and recommendations, any party may file written
13 objections with the court. The document should be captioned "Objections to Magistrate Judge's
14 Findings and Recommendations." Any response to the objections shall be filed and served within
15 fourteen days after service of the objections. The parties are advised that failure to file objections
16 within the specified time may waive the right to appeal the District Court's order. Martinez v.
17 Ylst, 951 F.2d 1153 (9th Cir. 1991).

18 DATED: April 8, 2025

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20 ALLISON CLAIRE
21 UNITED STATES MAGISTRATE JUDGE
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